

SUMMARY FOR EMPLOYERS ON THE KANSAS WORKERS COMPENSATION ACT

WHAT WORKERS COMPENSATION IS

Workers Compensation is an insurance plan provided by the employer (by law) to pay certain benefits to employees who are injured in accidents that arise out of and in the course of the employment. The first law in Kansas regarding workers compensation was enacted in 1911 and has been changed considerably since that time. Initially, the law covered only hazardous employments and there were certain exemptions in regard to the number of employees. The present law, however, covers most employers in the state of Kansas no matter how many employees they have or the nature of the work, except where the employer has less than an estimated \$20,000 annual payroll in any calendar year. Wages paid to the employer or his immediate family are not used in the computation of the \$20,000 wage figure. Agricultural pursuits are exempted under the Workers Compensation Act.

HOW TO OBTAIN WORKERS COMPENSATION COVERAGE FOR EMPLOYEES

Workers Compensation is a private insurance plan where the benefits are not paid by the state of Kansas, but paid by the employer through an insurance carrier, approved pool or a self-insured plan. Self-insurance can only be allowed where there is application to the Division of Workers Compensation and approval made by the Director. Normally a fairly large financial reserve and excess insurance is required. For information on self-insurance requirements, contact the Division of Workers Compensation. To obtain insurance for employees, the employer should contact an insurance agent to obtain this insurance. Any difficulty an employer has in getting insurance should be referred to the Kansas Insurance Commissioner, 420 SW 9th, Topeka KS 66612-1678, telephone 785-296-3071. Also the Insurance Commissioner's staff can answer questions in regard to rates and Group Self-insurance pools. The Kansas Division of Workers Compensation has no jurisdiction in regard to setting premium rates.

BENEFITS EMPLOYEES ARE ENTITLED TO WHEN THEY ARE INJURED IN A JOB-RELATED ACCIDENT

When a worker is injured on the job, the worker is entitled to certain benefits while off work for the injury and also medical expenses and vocational rehabilitation assistance, if approved by employer/insurance company. Benefits are paid at the rate of 2/3 of the employee's average weekly wage while the worker is off work up to a maximum amount based on a percentage of the state's average weekly wage. All medical benefits are paid to cure and/or relieve the worker of the effects of the injury. If an employee dies as a result of a job-related injury, the surviving spouse or dependents can receive compensation based on a rate of 66 2/3% of the employee's average weekly wage up to the applicable maximum amount. The Division maintains an Ombudsman/Claims Advisory Section that will assist all parties with questions regarding workers compensation, including benefit levels. They will assist injured employees with their claims. Billfold size benefit cards are also available in quantity and can be ordered from the Division of Workers Compensation.

K-WC 118 (Rev. 8-98)

WHAT THE EMPLOYER SHOULD DO WHEN AN ACCIDENT OCCURS

The law requires the employer to file an Form 1101A, Accident Report with the Division of Workers Compensation on all reportable accidents or occupational diseases. It is reportable if the employee is wholly or partially incapacitated for more than the remainder of the day shift or turn on which the injury was sustained. The employer should immediately report any accidents to his insurance carrier, and either the insurance carrier or the employer will submit the original Accident Report to the Division of Workers Compensation. Self-insureds also should file the original Accident Report with the Division of Workers Compensation. Employer is required to immediately provide the injured employee a K-WC 27 or K-WC 270 upon notice of the injury.

CAN AN EMPLOYER OR AN EMPLOYEE ELECT OUT OF THE ACT

An employer cannot elect out of the Act if mandatorily covered. The employee cannot waive rights as to coverage under the Act. An employee is restricted from electing out of the Act except where the employee owns 10% or more of the corporate stock in the corporation where employed. The election out of such by an employee who owns 10% or more of the corporate stock is done on a Form 50 which is furnished by the Division of Workers Compensation and can be obtained by writing to the Division. An individual employer, partner or self-employer can elect to have coverage under the Act if desired. This is done by contacting your insurance agent and filing a Form 113 with the Division of Workers Compensation.

This informational form is not intended to be a complete statement of the Kansas Workers Compensation Act. Complete statutes and regulations are found in Kansas Statutes Annotated and Kansas Administrative Regulations. Copies of the Workers Compensation Law and Rules are available from the Division of Workers Compensation at a nominal cost.

● **FOR INFORMATION – Write:** DIVISION OF WORKERS COMPENSATION
KS DEPT OF HUMAN RESOURCES
800 SW JACKSON ST STE 600
TOPEKA KS 66612-1227

or call: General Information 785-296-3441
Appeals Board 785-296-8484
** Coverage & Compliance 785-296-6767
** (Business Consultant) 785-296-4865
Director's Office 785-296-4000
** Fraud & Abuse Investigation 785-296-6392
** Mediation 785-296-0848
Medical Services 785-296-0846
** Ombudsman/Claims Advisory 785-296-2996
Rehabilitation 785-296-2996
Technology & Statistics 785-296-4120
Web site <http://www.hr.state.ks.us/wc/html/wc.htm>

NOTE: Sections with () available nationwide 800-332-0353**